HONORABLE RICHARD A. JONES

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID L. BELMONTE a/k/a
Dameas Shiruk Duranzan,

                        Plaintiff,

        v.

KING COUNTY et al.,

                        Defendants.

CASE NO. 2:24-cv-01764-RAJ-MLP

ORDER

THIS MATTER comes before the Court on the Report and Recommendation ("R&R") of the Honorable Michelle S. Peterson, United States Magistrate Judge, which recommends dismissal of this matter. Dkt. # 4. Specifically, Judge Peterson recommends dismissal due to Plaintiff's failure to submit a filing fee or proper application to proceed *in forma pauperis* ("IFP"). *Id.* at 1.

The Court previously adopted the R&R and dismissed this matter. Dkt. # 6. However, Plaintiff subsequently moved for relief from the judgment, explaining that he never received notice of the R&R, his case files were lost during a custodial transfer, and the law librarian could not locate cases with his name. Dkt. # 9 at ¶¶ 7–8. The Court granted the motion, vacated the prior order, and gave Plaintiff an opportunity to file

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objections to the R&R. Plaintiff filed two sets of objections in which he orders the Court strike the name "David L. Belmonte" from the case caption. Dkt. ## 14, 17. To accommodate Plaintiff, the Court has included the name "Dameas Shiruk Duranzan." Given there is no documentation to support the name change, the Court will not order the Clerk to strike the case caption. More importantly, Plaintiff has corrected the deficiency in his IFP application, which is now properly presented. Dkt. # 18.

Based on the foregoing reasons, the Court **DECLINES TO ADOPT** the Report & Recommendation. Dkt. # 4. Further, pursuant to 28 U.S.C. § 636 and General Order No. 05-25 of the United States District Court for the Western District of Washington, the Court **REFERS** this matter to the Honorable Michelle L. Peterson. *See* Gen. Order No. 05-25 ¶¶ 3, 6 (W.D. Wash. Feb. 19, 2025).

DATED this 21st day of May, 2025.

The Honorable Richard A. Jones
United States District Judge

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